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DEC 30 2004

Attorney Docket No.: 700157-48012

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: David E. Fisher

EXAMINER: S. Ungar

SERIAL NO.: 09/ 229,283

GROUP: 1642

FILED: January 13, 1999

FOR: USE OF MICROPHTHALMIA FOR DIAGNOSIS, PROGNOSIS AND/OR  
TREATMENT OF MELANOMA

## CERTIFICATE OF FACSIMILE (37 C.F.R. SECTION 1.8(a))

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being sent via facsimile on the date shown below to the MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Date

12/29/04

Linda M. Ginsberg

(type or print name of person mailing paper)

Signature of person mailing paper

MAIL STOP AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

AMENDMENT

Dear Sir:

In response to the Office Communication dated November 18, 2004, Applicants previously filed by facsimile an Amendment, including a corrected Listing of Claims, on November 23, 2004. During the telephone interview with Examiner Ungar on December 21, 2004, applicants learned that the November 23, 2004 Amendment had not been received. Applicants have not been able to locate proof that the Amendment was filed by facsimile on November 23, 2004. Accordingly, in response to the November 18, 2004 communication, applicants are submitting herewith a Petition for One Month Extension of Time and fee. Please amend the application as follows, including the corrected Listing of Claims:

Amendments to the Claims begin on page 2 of this paper.

Remarks begin on page 5 of this paper.

BOS1430939.1

12/30/04 07:06 FAX

NIXON PEABODY LLP

DEC 30 2004

001

**Nixon Peabody LLP**  
Attorneys at Law

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1) U.S. PTO		703-872-9306	
2) Susan Ungar		571-273-0837	
3)		571-273-8300	
4)			
5)			

INTERNATIONAL PHONE NUMBERS MUST INCLUDE COUNTRY & CITY CODE. SEE LOCAL WHITE PAGES FOR CODES NEEDED.

<b>From:</b> Ronald I. Eisenstein	<b>Date:</b> December 29, 2004	<b>No. of Pages:</b> 11 (including this page)	
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